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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,808	11/13/2003	Irvin M. Pitts	2687	2982
7590 A. Burgess Lowe 101 East Maple Street North Canton, OH 44720			EXAMINER TILL, TERRENCE R	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/714,808

Applicant(s)

PRITTS, IRVIN M.

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 2, 10, 18 and 25 are objected to because of the following informalities: In claims 2, 10 and 18, there appear numbers in the claims. These numbers appear to correspond to line numbers present in the originally filed set of claims. With respect to claim 25, line 2, there is a two letter recitation "io". It appears to be a typographical error. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4 and 6-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper et al. (US 6,167,587) in view of Man et al. (US 2003/0109403).

6. The patent to Kasper et al. discloses all the structure of a portable cleaning apparatus for cleaning a surface including a housing 14 for movement along the cleaning surface; a solution distribution system (see figure 17) mounted at least in part to said housing and comprising: a solution distributor 100 operatively connected to said housing for distributing a cleaning solution onto the cleaning surface; a first solution tank 49 and a second solution tank 870 for holding the cleaning solution a handle 16 pivotally connected to said housing; and a recovery tank 46 mounted on the housing for holding recovered dirt and the cleaning solution, a suction nozzle 17 operatively connected to said housing and in fluid communication with said recovery tank for transporting the cleaning solution and dirt recovered from said cleaning surface to said recovery tank, a suction source 40 in fluid communication with said suction nozzle and recovery tank for drawing the cleaning solution and dirt from the cleaning surface through the suction nozzle and to the recovery tank. Kasper et al. do not disclose a solid chemical containing a fragrance emitting substance provided in said first solution tank. The publication to Man et al. discloses a solid chemical (tablet- see paragraphs 15 and 32) containing a fragrance (see paragraph 139- jasmine, vanillin) emitting substance to clean carpet (see paragraph 144) containing of at least a bicarbonate substance, an acid (see paragraph 34) and a water softener (see paragraph 85). It would have been obvious to a person skilled in the art at the time the invention was made to

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provide the extractor of Kasper et al. with a solid chemical containing a fragrance emitting substance provided in the first solution tank in view of the teaching of Man et al. in order to help clean the carpet and leave it with a pleasant odor. (See paragraphs 1, 2 and 8). With respect to the method claims Kasper et al., as modified by Man et al. inherently render obvious the method steps claimed.

7. Claims 1-4, 6, 7, 9-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper et al. (US 6,167,587) in view of Dente et al. (US 6,426,325).

8. The patent to Kasper et al. discloses all the structure of a portable cleaning apparatus for cleaning a surface including a housing 14 for movement along the cleaning surface; a solution distribution system (see figure 17) mounted at least in part to said housing and comprising: a solution distributor 100 operatively connected to said housing for distributing a cleaning solution onto the cleaning surface; a first solution tank 49 and a second solution tank 870 for holding the cleaning solution a handle 16 pivotally connected to said housing; and a recovery tank 46 mounted on the housing for holding recovered dirt and the cleaning solution, a suction nozzle 17 operatively connected to said housing and in fluid communication with said recovery tank for transporting the cleaning solution and dirt recovered from said cleaning surface to said recovery tank, a suction source 40 in fluid communication with said suction nozzle and recovery tank for drawing the cleaning solution and dirt from the cleaning surface through the suction nozzle and to the recovery tank. Kasper et al. do not disclose a solid chemical containing a fragrance emitting substance provided in said first solution tank. The patent to Dente et al. discloses a solid chemical (tablet- see column 2 lines 10-25) containing a fragrance emitting substance for use in cleaning carpets (column 3, lines 45-55) composed of at least a bicarbonate substance and an

acid (see column 4, lines 25-45). It would have been obvious to a person skilled in the art at the time the invention was made to provide the extractor of Kasper et al. with a solid chemical containing a fragrance emitting substance in view of the teaching of Dente et al. in order to help clean the carpet and leave it with a pleasant odor. (see column 4, lines 25-30). With respect to the method claims Kasper et al., as modified by Dente et al. inherently render obvious the method steps claimed. Additionally, with respect to the claim limitations of the fragrance being lavender, jasmine or vanilla, such is considered within the purview of one skilled in the art to make the fragrance whatever one chooses.

#### ***Response to Arguments***

9. Applicant's arguments filed 2/23/07 have been fully considered but they are not persuasive.

10. The rejection of claims 1-7, 9-24, 26 and 27 under 35 USC 103 over Kasper et al. (US 6,167,587) in view of DeDominicis et al. (US 2006/0166848) has been overcome by the Declaration under 37 C.F.R. 1.131. Applicant's remarks are directed solely to the above rejection and the earliest date claimed by the 1.131 declaration is November 13, 2002. The patents to Kasper et al. '587, Dente et al. '325, and publication to Man et al. '403 all have filing dates that precede November 13, 2002. Therefore, the rejections based on Kasper et al. '587 in view of Man et al. '403, or alternatively, Dente et al. '325 still apply.

#### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "Terrence R. Till". The signature is stylized with a large, sweeping "T" and a cursive "R".

Terrence R. Till  
Primary Examiner  
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trt